



# Conference of the States Parties to the United Nations Convention against Corruption

Distr.: Limited  
1 December 2006  
Original: English

First session

Amman, 10-14 December 2006

Item 2 of the provisional agenda\*

**Consideration of ways and means to achieve the objectives  
of the Conference of the States Parties in accordance with  
article 63, paragraphs 1 and 4 to 7, of the United Nations  
Convention against Corruption**

## **United States of America: proposal**

### **Draft self-assessment checklist**

The purpose of the present self-assessment checklist is to collect basic information from States parties and signatories to the United Nations Convention against Corruption (General Assembly resolution 58/4, annex), in accordance with guidance provided by the Conference of the States Parties to the Convention at its first session and in the context of the programme of work approved at that session. The information to be provided will relate to selected articles of the following chapters of the Convention, as determined by the Conference of the States Parties, for consideration at its second session:

- (a) Criminalization and law enforcement (chapter III);
- (b) Asset recovery (chapter V);
- (c) Preventive measures (chapter II).

For technical assistance with completing this checklist, please contact the United Nations Office on Drugs and Crime (UNODC).

## **Criminalization and law enforcement**

### **Article 15. Bribery of national public officials**

“Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

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\* CAC/COSP/2006/1.



“(a) The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;”

1 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

1 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

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1 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“(b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.”

2 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

2 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

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2 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

**Article 16. Bribery of foreign public officials and officials of public international organizations**

“1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the promise, offering or giving to a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties, in order to obtain or retain business or other undue advantage in relation to the conduct of international business.”

3 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

3 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

3 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“2. Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the solicitation or acceptance by a foreign public official or an official of a public international organization, directly or

indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.”

4 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

4 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

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4 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

**Article 17. Embezzlement, misappropriation or other diversion of property by a public official**

“Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position.”

5 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

5 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

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5 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

### **Article 23. Laundering of proceeds of crime**

“1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

“(a) (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;

“(ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;”

6 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

6 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

6 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“(b) Subject to the basic concepts of its legal system:

“(i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;

“(ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.”

7 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

7 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

7 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“2. For purposes of implementing or applying paragraph 1 of this article:

“(a) Each State Party shall seek to apply paragraph 1 of this article to the widest range of predicate offences;

“(b) Each State Party shall include as predicate offences at a minimum a comprehensive range of criminal offences established in accordance with this Convention;

“(c) For the purposes of subparagraph (b) above, predicate offences shall include offences committed both within and outside the jurisdiction of the State Party in question. However, offences committed outside the jurisdiction of a State Party shall constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed

and would be a criminal offence under the domestic law of the State Party implementing or applying this article had it been committed there;

“(d) Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations;

“(e) If required by fundamental principles of the domestic law of a State Party, it may be provided that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence.”

8 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

8 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

8 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

#### **Article 25. Obstruction of justice**

“Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

“(a) The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences established in accordance with this Convention;”

9 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

9 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

9 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_\_

Legislative drafting \_\_\_\_\_

Legal advice \_\_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_\_

Development of an action plan for implementation \_\_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_\_

“(b) The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences established in accordance with this Convention. Nothing in this subparagraph shall prejudice the right of States Parties to have legislation that protects other categories of public official.”

10 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_\_

Yes in part \_\_\_\_\_

No \_\_\_\_\_

10 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

10 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_\_

Legislative drafting \_\_\_\_\_

Legal advice \_\_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_\_

Development of an action plan for implementation \_\_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_\_



## Asset recovery

### Article 52. Prevention and detection of transfers of proceeds of crime

“1. Without prejudice to article 14 of this Convention, each State Party shall take such measures as may be necessary, in accordance with its domestic law, to require financial institutions within its jurisdiction to verify the identity of customers, to take reasonable steps to determine the identity of beneficial owners of funds deposited into high-value accounts and to conduct enhanced scrutiny of accounts sought or maintained by or on behalf of individuals who are, or have been, entrusted with prominent public functions and their family members and close associates. Such enhanced scrutiny shall be reasonably designed to detect suspicious transactions for the purpose of reporting to competent authorities and should not be so construed as to discourage or prohibit financial institutions from doing business with any legitimate customer.”

11 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

11 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

11 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“2. In order to facilitate implementation of the measures provided for in paragraph 1 of this article, each State Party, in accordance with its domestic law and inspired by relevant initiatives of regional, interregional and multilateral organizations against money-laundering, shall:

“(a) Issue advisories regarding the types of natural or legal person to whose accounts financial institutions within its jurisdiction will be expected to apply enhanced scrutiny, the types of accounts and transactions to which to pay

particular attention and appropriate account-opening, maintenance and record-keeping measures to take concerning such accounts; and”

12 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

12 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

12 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“(b) Where appropriate, notify financial institutions within its jurisdiction, at the request of another State Party or on its own initiative, of the identity of particular natural or legal persons to whose accounts such institutions will be expected to apply enhanced scrutiny, in addition to those whom the financial institutions may otherwise identify.”

13 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

13 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

13 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“3. In the context of paragraph 2 (a) of this article, each State Party shall implement measures to ensure that its financial institutions maintain adequate records, over an appropriate period of time, of accounts and transactions involving the persons mentioned in paragraph 1 of this article, which should, as a minimum, contain information relating to the identity of the customer as well as, as far as possible, of the beneficial owner.”

14 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

14 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

14 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“4. With the aim of preventing and detecting transfers of proceeds of offences established in accordance with this Convention, each State Party shall implement appropriate and effective measures to prevent, with the help of its regulatory and oversight bodies, the establishment of banks that have no physical presence and that are not affiliated with a regulated financial group. Moreover, States Parties may consider requiring their financial institutions to refuse to enter into or continue a correspondent banking relationship with such institutions and to guard against establishing relations with foreign financial institutions that permit their accounts to be used by banks that have no physical presence and that are not affiliated with a regulated financial group.”

15 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

15 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

15 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“5. Each State Party shall consider establishing, in accordance with its domestic law, effective financial disclosure systems for appropriate public officials and shall provide for appropriate sanctions for non-compliance. Each State Party shall also consider taking such measures as may be necessary to permit its competent authorities to share that information with the competent authorities in other States Parties when necessary to investigate, claim and recover proceeds of offences established in accordance with this Convention.”

16 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

16 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

16 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“6. Each State Party shall consider taking such measures as may be necessary, in accordance with its domestic law, to require appropriate public officials having an interest in or signature or other authority over a financial account in a foreign country to report that relationship to appropriate authorities and to maintain appropriate records related to such accounts. Such measures shall also provide for appropriate sanctions for non-compliance.”

17 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

17 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

17 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

### **Article 53. Measures for direct recovery of property**

“Each State Party shall, in accordance with its domestic law:

“(a) Take such measures as may be necessary to permit another State Party to initiate civil action in its courts to establish title to or ownership of property acquired through the commission of an offence established in accordance with this Convention;”

18 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

18 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

18 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“(b) Take such measures as may be necessary to permit its courts to order those who have committed offences established in accordance with this Convention to pay compensation or damages to another State Party that has been harmed by such offences; and”

19 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

19 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

19 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“(c) Take such measures as may be necessary to permit its courts or competent authorities, when having to decide on confiscation, to recognize another State Party’s claim as a legitimate owner of property acquired through the commission of an offence established in accordance with this Convention.”

20 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

20 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

20 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

**Article 54. Mechanisms for recovery of property through international cooperation in confiscation**

“1. Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:

“(a) Take such measures as may be necessary to permit its competent authorities to give effect to an order of confiscation issued by a court of another State Party;”

21 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

21 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

21 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“(b) Take such measures as may be necessary to permit its competent authorities, where they have jurisdiction, to order the confiscation of such property of foreign origin by adjudication of an offence of money-laundering or such other offence as may be within its jurisdiction or by other procedures authorized under its domestic law; and”

22 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

22 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

22 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“(c) Consider taking such measures as may be necessary to allow confiscation of such property without a criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight or absence or in other appropriate cases.”



23 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

23 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

23 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:

“(a) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a freezing or seizure order issued by a court or competent authority of a requesting State Party that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article;”

24 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

24 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

24 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“(b) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a request that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article; and”

25 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

25 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

25 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“(c) Consider taking additional measures to permit its competent authorities to preserve property for confiscation, such as on the basis of a foreign arrest or criminal charge related to the acquisition of such property.”

26 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

26 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

26 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

#### **Article 56. Special cooperation**

“Without prejudice to its domestic law, each State Party shall endeavour to take measures to permit it to forward, without prejudice to its own investigations, prosecutions or judicial proceedings, information on proceeds of offences established in accordance with this Convention to another State Party without prior request, when it considers that the disclosure of such information might assist the receiving State Party in initiating or carrying out investigations, prosecutions or judicial proceedings or might lead to a request by that State Party under this chapter of the Convention.”

27 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

27 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

27 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

**Article 57. Return and disposal of assets**

“2. Each State Party shall adopt such legislative and other measures, in accordance with the fundamental principles of its domestic law, as may be necessary to enable its competent authorities to return confiscated property, when acting on the request made by another State Party, in accordance with this Convention, taking into account the rights of bona fide third parties.”

28 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

28 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

28 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

**Preventive measures**

**Article 6. Preventive anti-corruption body or bodies**

“1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as:

“(a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies;

“(b) Increasing and disseminating knowledge about the prevention of corruption.”

29 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

29 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

29 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“2. Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.”

30 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

30 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

30 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

**Article 7. Public sector**

“1. Each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials:

“(a) That are based on principles of efficiency, transparency and objective criteria such as merit, equity and aptitude;”

31 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

31 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

31 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“(b) That include adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption and the rotation, where appropriate, of such individuals to other positions;”

32 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

32 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

32 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“(c) That promote adequate remuneration and equitable pay scales, taking into account the level of economic development of the State Party;”

33 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

33 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

33 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“(d) That promote education and training programmes to enable them to meet the requirements for the correct, honourable and proper performance of public functions and that provide them with specialized and appropriate training to enhance their awareness of the risks of corruption inherent in the performance of their functions. Such programmes may make reference to codes or standards of conduct in applicable areas.”

34 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

34 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

34 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“2. Each State Party shall also consider adopting appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to prescribe criteria concerning candidature for and election to public office.”

35 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

35 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_



35 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“3. Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.”

36 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

36 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

36 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“4. Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.”

37 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

37 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

37 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

#### **Article 9. Public procurement and management of public finances**

“1. Each State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, inter alia, in preventing corruption. Such systems, which may take into account appropriate threshold values in their application, shall address, inter alia:

“(a) The public distribution of information relating to procurement procedures and contracts, including information on invitations to tender and relevant or pertinent information on the award of contracts, allowing potential tenderers sufficient time to prepare and submit their tenders;”

38 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

38 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

38 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“(b) The establishment, in advance, of conditions for participation, including selection and award criteria and tendering rules, and their publication;”

39 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

39 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

39 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“(c) The use of objective and predetermined criteria for public procurement decisions, in order to facilitate the subsequent verification of the correct application of the rules or procedures;”

40 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

40 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

40 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_\_

Legislative drafting \_\_\_\_\_

Legal advice \_\_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_\_

Development of an action plan for implementation \_\_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_\_

“(d) An effective system of domestic review, including an effective system of appeal, to ensure legal recourse and remedies in the event that the rules or procedures established pursuant to this paragraph are not followed;”

41 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_\_

Yes in part \_\_\_\_\_

No \_\_\_\_\_

41 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

41 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_\_

Legislative drafting \_\_\_\_\_

Legal advice \_\_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_\_

Development of an action plan for implementation \_\_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_\_

“(e) Where appropriate, measures to regulate matters regarding personnel responsible for procurement, such as declaration of interest in particular public procurements, screening procedures and training requirements.”

42 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

42 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

42 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“2. Each State Party shall, in accordance with the fundamental principles of its legal system, take appropriate measures to promote transparency and accountability in the management of public finances. Such measures shall encompass, inter alia:

“(a) Procedures for the adoption of the national budget;”

43 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

43 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

43 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“(b) Timely reporting on revenue and expenditure;”

44 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

44 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

44 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“(c) A system of accounting and auditing standards and related oversight;”

45 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

45 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

45 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“(d) Effective and efficient systems of risk management and internal control; and”

46 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

46 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

46 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“(e) Where appropriate, corrective action in the case of failure to comply with the requirements established in this paragraph.”

47 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

47 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

47 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

“3. Each State Party shall take such civil and administrative measures as may be necessary, in accordance with the fundamental principles of its domestic law, to preserve the integrity of accounting books, records, financial statements or other documents related to public expenditure and revenue and to prevent the falsification of such documents.”

48 (a). Has your Government adopted the measures described above? (Check one)

Yes \_\_\_\_

Yes in part \_\_\_\_

No \_\_\_\_

48 (b). If yes or yes in part, please cite the applicable law(s) or other measure(s):

\_\_\_\_\_

48 (c). If yes in part or no, which of the following forms of technical assistance, if available, would assist your Government with adopting the measures described above? (Check all that apply)

Model legislation \_\_\_\_

Legislative drafting \_\_\_\_

Legal advice \_\_\_\_

Site visit by an anti-corruption expert \_\_\_\_

Development of an action plan for implementation \_\_\_\_

Other assistance (please specify) \_\_\_\_\_

No assistance is necessary \_\_\_\_

\_\_\_\_\_